Ontario Highway Transport Board

ANNUAL REPORT

1982

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ANNUAL REPORT

OF

THE ONTARIO HIGHWAY TRANSPORT BOARD

for the year ending December 31, 1982

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The Ontario Highway Transport Board, pursuant to Section 8 of the Ontario Highway Transport Board Act, R.S.O. 1980, Chapter 316, begs leave to submit its twenty-seventh Annual Report upon its affairs to the Honourable the Minister of Transportation and Communications for the calendar year 1982.

Members of the Board:

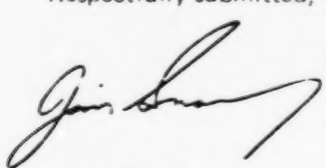
B.B. Alexander, Q.C.	Chairman
G.C. Marrs	Vice-Chairman
G.J. Norton	Vice-Chairman
J.A. Wardrop	Member
A.A. Landry	Member
J.M. Duncan	Member
R.D. Sloan	Member
E.J. Canning	Member
C.F. Bark	Member
M.H. Shecter	Member

To: The Honourable John Black Aird
O.C., Q.C., B.A., LL.D.
Lieutenant-Governor of the Province of Ontario

MAY IT PLEASE YOUR HONOUR:

The undersigned takes pleasure in submitting the Annual Report for the Ontario Highway Transport Board for the calendar year ending December 31, 1982.

Respectfully submitted,



James Snow,
Minister

TO: The Honourable James Snow
Minister of Transportation and
Communications

Sir:

I have the honour to present the report of the activities of The Ontario Highway Transport Board for the calendar year ending on December 31, 1982.

Respectfully submitted,

Bruce B. Alexander, Q.C.
Chairman

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1982 ANNUAL REPORT OF THE BOARD

MANAGEMENT PROCESS

The Board is pleased to announce the appointment of Board members, Robert D. Sloan and Max H. Shecter to the Ontario Telephone Service Commission. Both parties will function as sitting members of the two agencies, in addition Mr. Sloan was designated Vice Chairman of the Ontario Telephone Service Commission. These appointments which are effective January 1, 1983 are in accord with the expressed desire of the Executive Council for a closer working relationship and sharing of expertise between the Transport Board and the Telephone Service Commission.

Staff Training and Development

The Board conducted seminars for female staff in respect to:

- The Affirmative Action Program
- Career Life Planning

The Board sponsored in-house French language training classes. Staff enthusiasm and participation has been high.

The Chairman and several staff members attended government sponsored courses on computer concepts and micro computer machine operation.

Administration

Continued efforts are being made to improve internal efficiency and to upgrade the level of service to the public.

Automation

The Board is continuing to modernize its operation and has acquired a computer terminal to provide access to the Ministry of Transportation and Communications vehicle registration records, and other data stored in the main computer, located at Downsview, Ontario.

PUBLIC INFORMATION PROGRAM

As part of the Board's program to make its workings better known to the public, the Chairman and Managing Director, on a regularly scheduled basis, speak to students enrolled in transportation related courses at the George Brown and Sheridan Colleges of Applied Arts & Technologies. During the Board's presentation the students are introduced to economic regulation in the transportation industry. The histories of The Public Vehicles Act and The Public Commercial Vehicles Act are traced and the mandate and procedures of the Board are explained. The students participate in the presentations and questions are encouraged.

Through the Chairman and Managing Director, the Board participates in staff development programs, sponsored by the Ministry of Transportation and Communications, which are designed to provide middle management level staff with a broader understanding of the Ministry, how it functions within, and impacts on, the government of Ontario. In informal group sessions the Board representatives and Ministry staff discuss current and future transportation issues.

On February 2, 1982 the Chairman and the Managing Director made a presentation on the Board's role and activities to a large number of MTC staff at a lunchtime "Know Your Ministry" session at the Ministry offices at Downsview. The presentation was well received, as evidenced by the interest shown and questions asked by staff.

The Board has published a booklet on the application process, wording and procedure, which is of value to prospective applicants. Publications now available are:

"An Introduction to the Ontario Highway Transport Board"

"How to Apply for a Class "H" P.C.V. Licence"

"How to Apply for a Class "R" P.C.V. Licence"

"The Application Process – Guidelines"

Copies of these booklets may be picked up free of charge at the Board's offices, 151 Bloor Street West, Toronto, Ontario. For additional information contact the Office of Proceedings, (416) 965-1845.

POLICY DEVELOPMENT AND HEARINGS PROCEDURE

Public Hearings

Following Board practice special Class "R" hearings were held in major urban centres throughout the province to obtain data and information in connection with the available supply of dump vehicles and the anticipated demand for their services.

The hearings were held, as follows:

March 1	–	St. Catharines
March 2	–	Kitchener
March 3	–	London
March 8, 9 & 10	–	Toronto
March 15	–	Peterborough
March 16	–	Kingston
March 17	–	Ottawa
March 29	–	Dryden
March 30	–	Fort Frances
March 31	–	Thunder Bay
April 1	–	Sault Ste. Marie
April 5	–	Sudbury
April 6	–	Timmins
April 7	–	Kapuskasing
April 13	–	Toronto

Based on evidence presented at the hearings, the Board issued a report which touched on such matters as dormancy in operating licences, the impact of high interest rates on the construction industry in general and the housing construction segment in particular, and the strong competition for work in all areas which has produced highly competitive rates. Included also was reference to a report on field investigations conducted for the Board by the consulting firm of Proctor & Redfern Limited, during the months of August, September and October 1981 which indicated that there was an adequate number of trucks available at all construction sites surveyed and that the health of the industry, at that point, appeared good.

The Class "R" report noted that the recession in the forest industry had resulted in truckers normally employed in hauling forest products looking for Class "R" work in northern and north western Ontario. Many of these truckers were licensed to haul Class "R" commodities.

The Board concluded that there was currently an adequate supply of Class "R" vehicles in all licence regions.

The 1982 Report on Class "R" Hearings is appended hereto (Appendix 'E').

The Board is flexible and able to adjust its schedules to accommodate industry contingencies. Time constraints on the construction of the extension to the Trans-Canada pipeline, between North Bay and Morrisburg required that a large number of vehicles, licensed for regions 4 and 5, be available within a very short period to complete this work. To meet the demand for additional authorities and temporary extensions, the Board scheduled a special session of hearings at North Bay, on Saturday and Sunday, June 19th and 20th, 1982. During this two day session the Board dealt with 81 applications.

Probationary Licence Hearings

The Board has dealt with almost all of the 123 applications for probationary licences.

Total Applications	–	123
Certificates granted	–	38
Applications denied	–	17
Applications withdrawn	–	45
Applications dismissed	–	10
Applications in process	–	13

CANADIAN CONFERENCE OF MOTOR TRANSPORT ADMINISTRATORS

The Board continues to participate in the working groups of CCMTA in particular those involving (1) Legislation, Regulations & Procedures, and (2) Policy Issues. Within the framework of the first named group our contribution has been in the preparation of rules and procedures designed to expedite the application and hearing process by establishing uniformity of process within each provincial jurisdiction. The proposals are now in the hands of each jurisdiction and other interested groups and we are awaiting formal responses prior to formalizing the procedures submitted.

The amendments to the Motor Vehicle Transport Act (Canada) are being reviewed by Transport Canada and we remain hopeful that we will see at least the majority of the submissions accepted for legislative processing. In the meantime jurisdictions continue to act on behalf of each other with respect to "out of jurisdiction" service of summons etc., and with the attendant cost the MVT Act proposed amendment with respect to "out of jurisdiction" service by registered mail assumes greater importance given the constraints in effect in each province.

BOARD SEMINARS AND COURSES

Board seminars were held at the Eaton Hall Management Development Centre, Seneca College of Applied Art & Technology, on May 10th and 11th, and on October 14th and 15th.

Ministry of Transportation and Communications officials attended at these seminars and discussed with the Board such matters as the P.C.V. Act Review Committee and the Administered Prices Restraint Program.

TRANSPORTATION POLICY

Commercial Motor Vehicle Lease

Effective July 1, 1982, the Board discontinued making recommendations to the Minister of Transportation and Communications in respect to the approval of a lease for a commercial motor vehicle.

A process was implemented by the Ministry whereby any holder of an operating licence wishing to lease a commercial motor vehicle would, after July 1, 1982, make application to the Highway Carrier Licensing Office.

Details of the process are set out in the Board's policy statement No. 017/82-06-22.

Intercorporate Trucking

On February 15, 1982 Ontario amended its legislation to permit intercorporate private trucking within the province. The change enables a corporation to apply to the Minister of Transportation and Communications for a certificate of intercorporate exemption allowing it and its affiliates to transport each others' goods for compensation without an operating licence.

There is a registration fee on original application for a certificate of intercorporate exemption of $100.00 and a $10.00 fee for making an addition to a certificate.

The common level of ownership required for intercorporate exemption is 90 percent. This percentage of ownership is lower than the 100 percent ownership requirement in the U.S. and applies equally to U.S. firms as well as Canadian entities.

Since its introduction 65 certificates of intercorporate exemption have been issued. Of the 65 corporations that have applied 19 are U.S. based and involve 85 subsidiaries. The other 46 are Canadian and represent 165 subsidiaries.

Administered Prices Restraint Program

Bill 179, an Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province, received third reading in the Legislature on December 15, 1982.

The provisions of the Act apply, among other things, to public vehicle tariffs. Basically, the Restraint Program restricts the pass through of increases for salaries and wages and for profits to a maximum of 5%. All other increases in cost (e.g. fuel, tires, etc.) may be fully passed through in tariff hearings.

At the present time the Minister of Transportation and Communications refers applications for new or revised public vehicle tariffs to the Board for hearing and report. The only public vehicle movements exempt from this requirement are:

- a.m./p.m. school bus trips
- charter trips

The administered Prices Restraint Program has a duration of 15 months, from September 21, 1982 to December 31, 1983. The compliance period for P.V. carriers is 12 months starting from the first effective price increase in the program period.

Class 'Y' Licence

American for-hire carriers have been able to operate through Ontario for a number of years under the terms of a Class 'L' operating licence. This licence is issued for the in-transit move of goods in bond between the U.S. States of Michigan and New York. The licensee is required to purchase a trip permit for each trip across the province. The permit currently costs $20.00 and exempts the commercial motor vehicle for which it is issued from Ontario's registration fees, operating licence requirements and Ontario's fuel tax program, however, it does restrict movements to between specific boundary points and over selected routes.

As a result of Ontario having negotiated bilateral registration reciprocity agreements with 32 U.S. jurisdictions, including Michigan and New York, the need for the 'L' Class permit as a means of exempting U.S. carriers from Ontario's registration requirement has gradually lessened, however, the need for a permit to cover operating licence requirements has remained the same. By publication in the Ontario Gazette of O. Reg. 778/81 pursuant to the P.C.V. Act on December 5,

1981, the Honourable James Snow, Minister of Transportation and Communications implemented a new class of licence for goods moving in bond through Ontario between New York and Michigan. The Class 'Y' licence allows the licensee unlimited operations of a commercial motor vehicle, between the same boundary points and over the same routes as the Class "L" permit on payment of a $50.00 annual fee for each vehicle listed under the Class 'Y' licence.

Carriers based in a jurisdiction which does not have a vehicle registration reciprocity agreement with Ontario are required to purchase Ontario registration for each vehicle listed.

P.C.V. Act Review Committee

Since its inauguration on June 9, 1981, the P.C.V. Act Review Committee has pursued a busy schedule, meeting on the average of twice a month. In the early part of the year the committee began to come to grips with its main mandate: to develop and recommend principles for trucking regulation in the 80's and 90's. During this period the Committee sought to obtain the views, concerns and outlooks of people in the trucking and manufacturing industries, the academics and from government itself.

From January through to April the Committee heard more than 100 presentations from individuals and in addition spoke to a number of groups outside the committee. Presentations to the Committee can be categorized, as follows:

- Manufacturing and retail trends and outlooks.
- General freight carrier outlooks.
- Bulk movement industry (shippers and carriers outlooks).
- Intermediary and private carrier outlooks.
- Household goods carriers outlooks.
- Government and academic views.
- Small business outlooks.
- Labour and small parcel carriers outlooks.

By mid-April the Committee had reached a point where it was in a position to further develop and refine principles and to consider some of the more specific implications of the new principles.

The principles on which there is general agreement within the Committee are:

- Government has an appropriate role in regulation of trucking, but not in direct participation in the industry.
- The effect of the PCV Act should be to regulate all "for-hire" carriage through a licensing mechanism. The outcome should be to maintain the quality of competition and an effective market for trucking services.
- There should be no undue advantage to either private carriers or for-hire carriers in the public duties and responsibilities created by the Act.
- The Act should create a system which can be enforced and with effective deterrents to non-compliance.
- The test of "public necessity and convenience" should be replaced by a more objective test of entry.
- A "fitness" test should be developed with at least two main components
  - operational component (including safety)
  - financial component
- The classes of carriage and specifications of authority should be simplified, allowing greater latitude of operation.

- The Transport Tribunal (Board) should be structured to reduce the need for public hearings.
- The present system of rate filing is unsatisfactory.
- Overlapping and multiple-tier licensing is unsatisfactory.
- The regulatory mechanisms must be practical and the transitions and adjustments required must be realistic.

Matters of principle on which there is not yet a Committee consensus, include the following:

- What kind of fitness test, if any, should there be in the entry test.
- Should a "Commercial Vehicle Operator Registration" be devised to control the performance of carrier duties.
- Are petitions to Cabinet an appropriate avenue to modify individual decisions of the Transport tribunal.

On November 19th, 1982 the Honourable James Snow, Minister of Transportation and Communications released copies of the Committee's interim report, titled "Discussion Paper on Responsible Trucking". Since its release the discussion paper has elicited wide comment and feed back which the Committee will consider in preparing its final report to the Minister, which is expected some time in April 1983.

International Trucking Problems

The introduction of the U.S. Motor Carrier Act in July 1980 greatly eased the requirements for entry into the for-hire trucking industry in the United States. Many Canadian carriers who had previously applied for operating authorities and had not been successful reapplied for similar authorities. In addition, there were other carriers who perhaps sensed an opportunity to expand the scope of their operation who also applied.

Prior to 1980, obtaining Interstate Commerce Commission operating authority was a far more difficult, costly and lengthy procedure for a Canadian applicant than obtaining authority in most Canadian provinces for a U.S. applicant. Grants of U.S. operating authority to Canadian carriers were few and far between, and where authority was granted, it was often more restricted than requested. Most international traffic was interlined, either between Canadian and U.S. carriers or between a U.S. owned Canadian based carrier and its parent. The American Trucking Association (A.T.A.) complained to the Interstate Commerce Commission that access to the U.S. market was now easier for Canadian carriers than access to Canadian markets, particularly Ontario, was for Americans. The Interstate Commerce Commission responded to the charges of discrimination by imposing an administrative moratorium on Canadian applications and initiating an investigation into the allegations of Canadian discrimination. (ex parte MC 157). During the investigation the Interstate Commerce Commission suspended proceedings on applications by Canadian carriers and refused to issue authorities to approximately 160 Canadian carriers who had already had their applications heard by the Interstate Commerce Commission.

During the course of the Interstate Commerce Commission investigations it became obvious that the ATA charges of discrimination were without substance and that the eventual Interstate Commerce Commission report would completely exonerate the Canadian regulatory authorities. Furthermore, the fear that Canadian carriers would create havoc in the U.S. were diminished when it was realized that most of the Canadian applicants appeared to be interested in conducting relatively short cross-border runs, which might cause some short term dislocations to local U.S. firms but were unlikely to decimate the U.S. trucking industry.

As a result of growing pressure in the United States for reciprocity with Canada, Congress passed legislation imposing (as part of the Bus Regulatory Reform Act) a two year moratorium on Canadian applications. The Legislation empowered the President to modify the moratorium

if he deemed it to be "in the national interest". In signing the Act into law on September 20, 1982, President Reagan determined that it was in the national interest to modify the moratorium by suspending it insofar as Canada was concerned, subject to the conditions outlined below, and directed his trade Representative, Ambassador William E. Brock to negotiate a fair and equitable resolution of the issue with Canada and report back to him within 60 days.

(1) The moratorium for Canada is suspended insofar as necessary to permit the Interstate Commerce Commission (ICC) to grant authority to motor carriers under the appropriate sections of 49 U.S.C. subtitle 1V. This suspension is expressly conditioned upon the Commission, in making determinations on whether the proposed transportation serves a "useful public purpose"or is in the "public interest", according great weight to the national transportation policy, particularly the mandates to promote "economical and efficient transportation", and "to encourage sound economic conditions in transportation including sound economic conditions among carriers". Such determinations by the Commission shall be consistent with the directives of the United States Trade Representative concerning the international trade policy of the United States;

(2) The moratorium in regard to Canadian applicants is further modified by suspending it to permit the ICC to issue temporary and emergency temporary authority, and to issue certificates in motor carrier merger, consolidation, and acquisition of control proceedings, and motor carrier restriction removal proceedings;

(3) The moratorium is further modified by suspending it insofar as issuance of ICC authorities to Canadian carriers for domestic traffic in the United States under the appropriate sections of 49 U.S.C. subtitle IV is concerned. Canadian owned, controlled, or domiciled firms will be able to apply for and receive ICC authority for operations wholly within the United States.

As expected the Interstate Commerce Commission ex parte MC 157 when issued on October 18, 1982 found no evidence of discrimination on the part of Canadian regulatory authorities, it did note however that the Interstate Commerce Commission would continue to monitor the situation and would take appropriate remedial action when and if it was found to be necessary.

Agreement was reached between the U.S. Trade Representative and the Canadian Department of External Affairs which led to the lifting of the moratorium by President Reagan on November 29, 1982. It was agreed that a consultative mechanism would be put in place to resolve future problems. This mechanism is to include the Interstate Commerce Commission, the Canadian Conference of Motor Transport Administrators, the American Association of Motor Vehicle Administrators, and the Federal Departments of both governments concerned with transportation, foreign affairs, trade and other interested agencies.

Public Vehicles Act

In the process of dealing with its specific tasks the former Public Vehicles Act Review Committee identified two major problems; public highway transportation services on major provincial corridors and public highway transportation services in rural areas.

In an effort to resolve these two problems, and as a measure of his concern for the health of the industry as a whole the Honourable James Snow, Minister of Transportation and Communications formed a Bus Committee, which met for the first time on September 16, 1982. The membership list of the Committee embraces representatives from three broad areas:

Bus Industry: A representational selection of interprovincial scheduled service carriers, regional carriers, government sponsored carriers, school bus carriers and northern Ontario carriers;

Government: Ministry staff and government agencies (including Transport Canada) that have direct involvement in matters surrounding bus transportation;

Public: A consumers group representative, a municipal government representative, and a representative of one of the major client groups for intercity bus transportation – senior citizens.

In his direction to the committee the Minister indicated that he was looking for concensus for a provincial policy direction that would support the public intercity transportation sector. He defined the issues facing the committee, as follows:

Rural Mobility: How can Ontario ensure that essential public highway services are maintained in small communities and rural areas?

Bus and Rail Interaction: How can Ontario ensure the continuance of essential long distance bus service between urban centres while at the same time pursuing intermodal bus/rail initiatives and most appropriately anticipating such proposals for the Windsor-Montreal and Ottawa-Toronto VIA RAIL high speed corridors, so as to best serve the interests of the travelling public, bus parcel express customers and the intercity bus industry.

The Minister stated that he was looking for the committee to produce a statement of some basic principles which can be used in the preparation of legislation. The Bus Committee has an anticipated life span of 16 months, commencing in September 1982 with a deadline for arriving at a set of provincial policy proposals for the two issues by December 1983. The Chairman of the Bus Committee is Mr. Mark H. Larratt-Smith, Assistant Deputy Minister, Safety and Regulation Division, Ministry of Transportation and Communications.

SUMMARY OF BOARD STATISTICS

During the last five years (1978-1982) the Board has concentrated on reducing the burden on the public of the time and cost of formal public hearings.

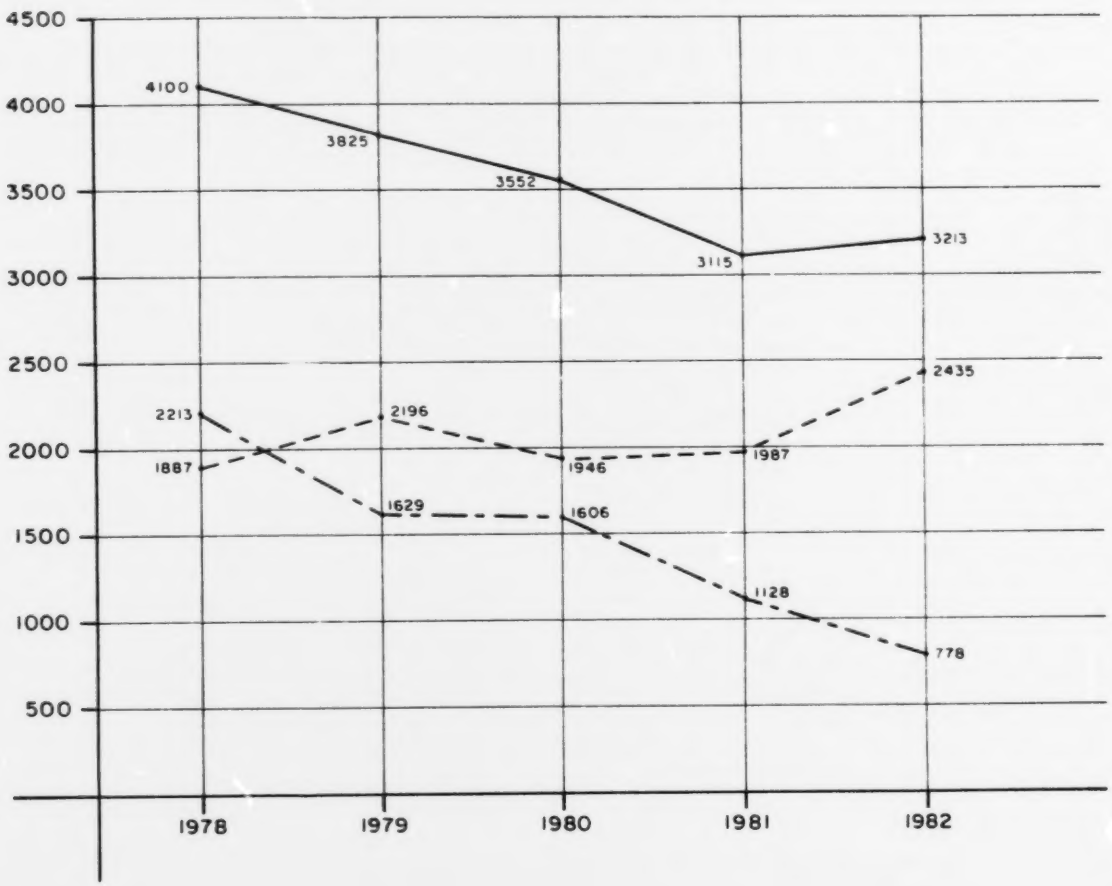
Public hearings over the five year period have dropped from 2,213 in 1978 to 778 in 1982, a reduction of approximately 65%.

During the same period the number of applications processed without public hearing rose from 1,887 in 1978 to 2,432 in 1982, an increase of approximately 29%.

With Public Hearing — · — · — · — · — · — · —

Without Public Hearing – – – – – – – – – – – – – –

Total Applications ————————————



The Board is able, in instances where no delays are caused by the applicants themselves, to process applications that proceed without a hearing in two months or less and those that proceed with a hearing in about four months.

1. BOARD REVENUE FOR 1982 = $237,312.85

2. APPLICATIONS FOR PERMANENT LICENCES PROCESSED BY THE BOARD = = 1941

1102 P.C.V. Applications = 56.78%
166 P.V. Applications = 8.55%
673 M.V.T.A. Applications = 34.67%

Decisions after Public Hearing = 708

Decisions without Public Hearing = 1236

3. MATTERS HEARD OR DEALT WITH BY THE BOARD CONSISTED OF:

- Applications for a permanent licence = 1944
- Applications for a temporary or interim licence = 783
- Applications for transfer of shares approval = 36
- Applications for transfer of operating licence = 450
- Applications for P.V. tariff approval = 140
- Reasons for decision issued = 173
- Applications for vehicle lease approval = 388

* Detailed statistical analysis of the Board's activities during 1982 are set out in Appendices D1-D6.

BOARD POLICIES AND PROCEDURES

Policy Statements
(from 1978 to December 31, 1981)

Continuing its practice of publishing formulated policy, the Board issued policy statements in connection with complementary authorities, notice of objection, change of name of licence holder or shipper on PV/PCV operating authority and issuance of summonses.

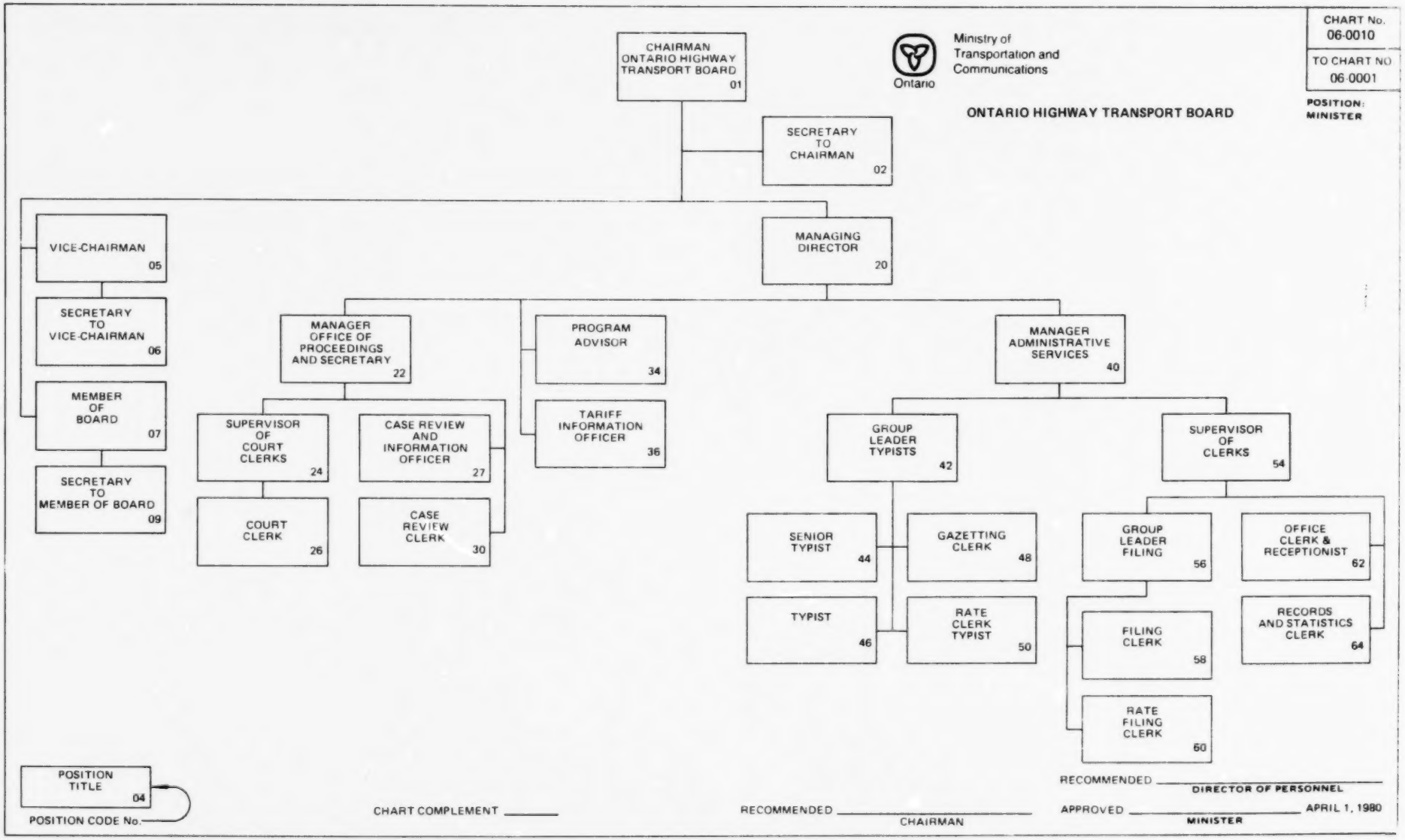
Board Policy Statements issued to date by the Board are as follows:

No. 001/78-9-29 (cancelled and superseded by Policy Statement No. 004/79-8-2)	Renewal of licence under the Public Commercial Vehicles Act.
Effective date:	September 29, 1978
No. 002/79-2-1	Adjournment of Hearing.
Effective date:	February 1, 1979
No. 003/79-5-14	Admissibility as evidence of photocopies and microfilm prints.
Effective date:	May 14, 1979
No. 004/79-8-2	Renewal of a public commercial or public vehicle operating licence.
Effective date:	immediate
No. 005/79-9-7	Recording of hearing proceedings.
Effective date:	September 7, 1979
No. 006/79-9-7	Transfers and temporaries.
Effective date:	September 7, 1979
No. 007/79-9-7	Cancellation of interim licence of adjournment of hearing.
Effective date:	September 7, 1979
No. 008/79-11-19	Expanded use of Section 8 proceedings.
Effective date: (amended by Policy Statement No. 012/81-1-1)	immediate
No. 009/80-1-14	Hearing procedures for applications for Class 'R' Operating licence.
Effective date:	immediate
No. 010/80-9-4	Complementary authorities.
Effective date:	Draft for discussion purposes – no implementation date.
No. 011/8 -9-30	Distribution of notices of decision.
Effective date:	immediate
No. 012/81-1-1	Amendment to Policy Statement No. 008/79-11-19. Expanded use of Section 8 proceedings.
Effective date:	January 1, 1981

No. 013/81-06-25 Effective date:	Complementary authorities. immediate
No. 014/81-09-16 Effective date:	Filing of Notices of Objection. September 16, 1981
No. 015/81-12-02 Effective date:	Change of name of licence holders or shippers on P.V. and P.C.V. Operating Licences. immediate
No. 016/81-12-02 Effective date:	Issuance of Summonses. December 2, 1981
No. 017/82-06-22 Effective date:	Commercial Motor Vehicle Lease Approval. July 1, 1982
No. 018/82-12-22 Effective date:	Metrication of weight, size and distance in applications. December 22, 1982

Policy Statements published by the Board during the period January 1 - December 31, 1982 are appended to this report (Appendices B-1 and B-2).

APPENDIX 'A'


CHAIRMAN ONTARIO HIGHWAY TRANSPORT BOARD 01
Ontario
Ministry of Transportation and Communications
ONTARIO HIGHWAY TRANSPORT BOARD
CHART No. 06-0010
TO CHART NO 06-0001
POSITION: MINISTER
SECRETARY TO CHAIRMAN 02
VICE-CHAIRMAN 05
SECRETARY TO VICE-CHAIRMAN 06
MEMBER OF BOARD 07
SECRETARY TO MEMBER OF BOARD 09
MANAGING DIRECTOR 20
MANAGER OFFICE OF PROCEEDINGS AND SECRETARY 22
SUPERVISOR OF COURT CLERKS 24
COURT CLERK 26
CASE REVIEW AND INFORMATION OFFICER 27
CASE REVIEW CLERK 30
PROGRAM ADVISOR 34
TARIFF INFORMATION OFFICER 36
MANAGER ADMINISTRATIVE SERVICES 40
GROUP LEADER TYPISTS 42
SENIOR TYPIST 44
TYPIST 46
GAZETTING CLERK 48
RATE CLERK TYPIST 50
SUPERVISOR OF CLERKS 54
GROUP LEADER FILING 56
FILING CLERK 58
RATE FILING CLERK 60
OFFICE CLERK & RECEPTIONIST 62
RECORDS AND STATISTICS CLERK 64
POSITION TITLE 04
POSITION CODE No.
CHART COMPLEMENT
RECOMMENDED CHAIRMAN
RECOMMENDED DIRECTOR OF PERSONNEL
APPROVED MINISTER
APRIL 1, 1980

APPENDIX 'B-1'

POLICY STATEMENT

Item: Commercial Motor Vehicle Lease Approval.

Objective: To discontinue the involvement of the Board in the commercial motor vehicle lease approval process.

Policy: Effective July 1, 1982 the issuance of recommendations to the Minister by the Board regarding the approval of lease documents where the Lessee of a commercial motor vehicle is the holder of an operating licence issued under The Public Commercial Vehicles Act, will cease.

Any holder of an operating licence wishing to lease a commercial motor vehicle may, after July 1, 1982 make application for a public commercial vehicle licence by submitting a completed form JV-1 (application for a commercial motor vehicle permit) together with a copy of the relevant motor vehicle owners permit and the appropriate P.C.V. licence fee, to:

The Ministry of Transportation and Communications
Highway Carrier Licensing Office
Main Floor, East Building
1201 Wilson Avenue
Downsview, Ontario M3M 1J8

Telephone: (416) 248-7146

Any enquiries regarding the leasing of commercial motor vehicles should be directed to the Highway Carrier Licensing Office at the above address.

Effective Date: July 1, 1982.

APPENDIX 'B-2'

POLICY STATEMENT

Item: Metrication

Objective: To outline Board policy respecting metrication of weight, size and distance in applications.

The use of metric measurements is now widespread in the transportation industry. While the Board has in the past accepted either imperial or metric references in applications for authority, it is important that standard usage should be encouraged.

Policy. Applications for operating authority should include references to weight, size or distance in metric units. Applications in imperial terms will be converted to metric and advertised accordingly.

For purposes of conversion the Board will refer to the 'Master Guide for the Conversion of Tariffs' developed by the Candadian Freight Association.

Effective Date. Immediate.

APPENDIX 'C-1'

O.I.C. POLICY STATEMENT P.V.A.
(Regional Municipality)

O in C No. 18/82
Certification Date: January 28, 1982
Gazette Date: February 20, 1982

(Pursuant to **The Public Vehicles Act**, R.S.O. 1980, c.425 and amendments thereto)

The Honourable Minister of Transportation and Communications therefore recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to scheduled public vehicle services provided into, out of, within or through a Regional Municipality:

> "The compatibility of licences under the Public Vehicles Act with the requirements for ground transportation services as expressed by the Council of the Regional Municipality or an authorized representative thereof."

APPENDIX 'D-1'

THE ONTARIO HIGHWAY TRANSPORT BOARD

REVENUE

for the period January 1, 1982 to December 31, 1982

Application Fees	$123,860.00
Court Costs	29,351.85
Leases	9,875.00
Tariffs (including copies)	69,054.85
Credits and U.S. Exchange	2,476.10
Miscellaneous	11,348.55
Gross Revenue	$245,966.35
Refunds and N.S.F. Cheques	- 8,653.50
Net Revenue	$237,312.85

APPENDIX 'D-2'

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS PROCESSED

for the period January 1, 1982 to December 31, 1982

CLASS	TOTAL	GRANTED	DENIED
A	147	137	10
C	44	44	–
D	658	561	97
E	14	14	–
F	48	42	6
FF	2	1	1
FS	26	25	1
H	30	25	5
K	22	19	3
L	28	28	–
R	808	576	232
T	45	40	5
W	4	–	4
Y	63	60	3
SUB TOTAL	1939	1572	367
PV	152	134	18
PVS	164	163	1
SUB TOTAL	2255	1869	386
Goods	791	704	87
Freight Forwarders	6	5	1
Passengers	161	147	14
TOTAL	3213	2725	488

	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Leases	30	21	43	130	50	74	38	2	–	–	–	–	388
Tariffs	20	14	18	11	22	10	8	12	13	5	5	6	144
Reasons for Decision	9	7	15	19	21	15	10	6	16	4	36	15	173
Applications Withdrawn	30	27	49	50	36	36	57	55	68	53	57	37	555

APPENDIX 'D-3'

THE ONTARIO HIGHWAY TRANSPORT BOARD
BOARD DECISIONS AFTER PUBLIC HEARING
for the year 1982

CLASS	TEMPORARIES/INTERIMS			LICENCE APPLICATIONS							TRANSFERS	
	Applications	Denied	Granted	Applications	Denied	Granted	No. of cases opposed	% opposed	No. of Respon-dents	Average No. of Re-spondents	Shares	Licence
A	–	–	–	31	3	28	27	87%	118	4	–	1
C	–	–	–	7	–	7	7	100%	28	4	–	–
D	–	–	–	114	15	99	76	67%	217	3	–	2
E	–	–	–	–	–	–	–	–	–	–	–	–
F	–	–	–	2	–	2	2	100%	3	2	–	–
FF	–	–	–	2	1	1	2	100%	2	1	–	–
FS	–	–	–	3	–	3	2	67%	3	2	–	–
H	–	–	–	14	5	9	13	93%	36	3	–	1
K	–	–	–	9	2	7	9	100%	32	4	–	–
L	–	–	–	–	–	–	–	–	–	–	–	–
R	57	31	26	338	109	229	9	3%	19	2	–	3
T	–	–	–	5	–	5	4	80%	9	2	–	–
W	–	–	–	–	–	–	–	–	–	–	–	–
SUB TOTAL	57	31	26	525	135	390	151	29%	467	3	–	7
PV	–	–	–	37	10	27	31	84%	118	4	–	–
PVS	–	–	–	5	1	4	4	80%	8	2	–	–
SUB TOTAL	57	31	26	567	146	421	186	33%	593	3	–	7
PCVX	–	–	–	119	11	108	81	68%	302	4	2	4
FFX	–	–		4	–	4	2	50%	2	1	–	–
PVX	–	–	–	18	9	9	16	89%	67	4	–	–
TOTAL	57	31	26	708	166	542	285	40%	964	3	2	11

APPENDIX 'D-4'

THE ONTARIO HIGHWAY TRANSPORT BOARD

BOARD DECISIONS WITHOUT PUBLIC HEARING

for the year 1982

CLASS	TEMPORARIES/INTERIMS			LICENCE APPLICATIONS			TRANSFERS		
	Applications	Denied	Granted	Applications	Denied	Granted	Applications	Shares	Licences
A	62	6	56	41	1	40	12	4	8
C	19	–	19	11	–	11	7	–	7
D	164	82	82	327	–	327	51	3	48
E	–	–	–	8	–	8	6	2	4
F	13	6	7	17	–	17	16	1	15
FF	–	–	–	–	–	–	–	–	–
FS	4	1	3	9	–	9	10	–	10
H	1	–	1	6	–	6	8	–	8
K	3	1	2	6	–	6	4	1	3
L	–	–	–	28	–	28	–	–	–
R	166	90	76	43	2	41	201	–	201
T	16	5	11	21	–	21	3	1	2
W	3	3	–	1	1	–	–	–	–
Y	–		–	62	3	59	1	–	1
SUB TOTAL	451	194	257	580	7	573	319	12	307
PV	36	8	28	53	–	53	26	2	24
PVS	26	–	26	71	–	71	62	1	61
SUB TOTAL	513	202	311	704	7	697	407	15	392
PCVX	197	71	126	412	5	407	57	19	38
FFX	1	1	–	1	–	1	–	–	–
PVX	15	5	10	119	–	119	9	–	9
TOTAL	726	279	447	1236	12	1224	473	34	439

APPENDIX 'D-5(1)'

THE ONTARIO HIGHWAY TRANSPORT BOARD

OUT OF TOWN AND JOINT PROVINCIAL HEARINGS

held during the period January 1, 1982 to December 31, 1982

Month	Location	Applications	Applications Heard				Adjourned	Granted	Denied	Withdrawn
			'R' Licence	'R' Temp.	'W' Licence	Others				
January	London	4	–	–	–	4	–	–	2	2
	Hamilton	2	–	–	–	2	2	–	–	–
	Niagara Falls	2	–	–	–	2	2	–	–	–
	Sudbury	4	–	–	–	4	1	2	–	1
	Ottawa	3	–	–	–	3	–	3	–	–
	North Bay	2	–	–	–	2	–	2	–	–
February	London	2	–	–	–	2	–	1	1	–
	Barrie	2	–	–	–	2	–	2	–	–
	Windsor	1	–	–	–	1	–	–	–	1
	Kitchener	4	–	–	–	4	–	3	1	–
	Hamilton	2	–	–	–	2	–	–	2	–
	Pembroke	1	–	–	–	1	–	–	–	1
	Thunder Bay	2	–	–	–	2	2	–	–	–
	Dresden	2	–	–	–	2	–	2	–	–
March	St. Catharines	6	6	–	–	–	2	2	1	1
	Kitchener	6	6	–	–	–	–	5	–	1
	London	10	8	–	–	2	–	6	4	–
	Peterborough	7	7	–	–	–	–	7	–	–
	Kingston	3	3	–	–	–	–	2	–	1
	Ottawa	11	11	–	–	–	1	8	1	1
	Niagara Falls	1	–	–	–	1	–	–	1	–
	Orillia	1	–	–	–	1	1	–	–	–
	Dryden	10	9	–	–	1	2	2	5	1
	Fort Frances	6	4	–	–	2	–	4	2	–
	Thunder Bay	13	13	–	–	–	–	11	1	1
	Belleville	1	–	–	–	1	–	–	1	–
April	Sault Ste. Marie	8	7	–	–	1	1	4	2	1
	Sudbury	14	14	–	–	–	1	7	6	–
	Timmins	8	7	–	–	1	–	6	–	2

APPENDIX 'D-5(2)'

THE ONTARIO HIGHWAY TRANSPORT BOARD

OUT OF TOWN AND JOINT PROVINCIAL HEARINGS

held during the period January 1, 1982 to December 31, 1982

Month	Location	Applications Heard								
		Applications	'R' Licence	'R' Temp.	'W' Licence	Others	Adjourned	Granted	Denied	Withdrawn
April	Kapuskasing	6	3	–		3	3	3	–	–
cont'd	Windsor	1	–	–	–	1	1	–	–	–
	Ottawa	11	–	–	–	11	1	10	–	–
May	Hull	1	Joint Hearing		–	1	–	–	1	–
	Windsor	2	–	–	–	2	1	–	–	1
	Bracebridge	1	–	–	–	1	1	–	–	–
	Midland	1	–	–	–	1	–	1	–	–
	Ottawa	10	–	–	–	10	1	5	2	2
	Niagara Falls	2	–	–	–	2	2	–	–	–
	North Bay	3	1	–	–	2	2	1	–	–
	Sudbury	3	–	–	–	3	1	2	–	
	London	2	–	–	–	2	2	–	–	–
June	London	4	–	–	–	4	1	2	–	1
	Montreal	1	Joint Hearing		–	1	1	–	–	–
	Sudbury	1	Joint Hearing		–	1	1	–	–	–
	Timmins	1	Joint Hearing		–	1	1	–	–	–
	North Bay	1	Joint Hearing		–	1	1	–	–	–
	North Bay	41	41	–	–	–	8	14	1	18
	North Bay	31	–	31	–	–	–	7	23	1
July	Thunder Bay	3	–	–	–	3	2	1	–	
	Hamilton	2	–	–	–	2	2	–	–	–
	Ottawa	24	–	–	–	24	6	4	–	14
	Stouffville	1	–	–	–	1	1	–	–	–
	Kitchener	1	–	–	–	1	–	1	–	–
	Niagara Falls	1	–	–	–	1	–	1	–	–
	London	5	–	–	–	5	4	–	–	1
	Goderich	1	–	–	–	1	1	–	–	–
	Sudbury	4	–	–	–	4	2	–	2	–
	Elliot Lake	1	–	–	–	1	1	–	–	–
	Winnipeg	1	Joint Hearing		–	1	–	1	–	–

APPENDIX 'D-5(3)'

THE ONTARIO HIGHWAY TRANSPORT BOARD

OUT OF TOWN AND JOINT PROVINCIAL HEARINGS

held during the period January 1, 1982 to December 31, 1982

Month	Location	Applications	Applications Heard 'R' Licence	'R' Temp.	'W' Licence	Others	Adjourned	Granted	Denied	Withdrawn
August	Niagara Falls	2	–	–	–	2	1	–	–	1
	Sault Ste. Marie	9	6	–	–	3	1	8	–	
	Kitchener	3	–	–	–	3	3	–	–	–
	Ottawa	27	17	–	–	10	4	17	5	1
	Hamilton	1	–	–	–	1	–	–	–	1
	Windsor	6	–	–	–	6	4	1	1	–
	Brantford	1	–	–	–	1	1	–	–	–
	Kingston	5	5	–	–	–	–	3	1	1
	Peterborough	5	5	–	–	–	–	5	–	–
	London	2	–	–	–	2	–	2	–	–
	Dryden	9	7	2	–	–	–	7	2	–
	Fort Frances	4	3	–	–	1	–	3	–	1
	Thunder Bay	8	8	–	–	–	1	5	2	–
	Sudbury	12	11	1	–	–	1	6	5	–
	Timmins	11	10	–	–	1	–	9	1	1
September	Kapuskasing	7	7	–	–	–	–	6	1	–
	North Bay	30	30	–	–	–	2	24	3	1
	St. Catharines	6	5	–	–	1	3	2	–	1
	Kitchener	15	15	–	–	–	6	4	4	1
	London	19	19	–	–	–	4	9	5	1
	Windsor	8	8	–	–	–	–	5	3	–
October	Timmins	3	–	–	–	3	3	–	–	–
	Kapuskasing	2	–	–	–	2	1	1	–	
	Montreal	1	Joint Hearing		–	1	1		–	–
	Kitchener	1	–	–	–	1	–	–	–	1
	Brantford	2	–	–	–	2	–	2	–	–
	Ottawa	8	–	–	–	8	–	8	–	–
	London	8	–	–	–	8	4	1	–	3
	Thunder Bay	5	–	–	–	5	1	2	1	1

APPENDIX 'D-5(4)'

THE ONTARIO HIGHWAY TRANSPORT BOARD

OUT OF TOWN AND JOINT PROVINCIAL HEARINGS

held during the period January 1, 1982 to December 31, 1982

Month	Location	Applications	Applications Heard 'R' Licence	'R' Temp.	'W' Licence	Others	Adjourned	Granted	Denied	Withdrawn
November	North Bay	2	–	–	–	2	–	2	–	–
	Windsor	1	–	–	–	1	1	–	–	–
	Cambridge	1	–	–	–	1	–	1	–	–
	Sarnia	3	–	–	–	3	–	2	1	–
	St. Catharines	1	–	–	–	1	1	–	–	–
	Elliott Lake	1	–	–	–	1	1	–	–	–
	Kitchener	2	–	–	–	2	–	–	–	2
	London	8	–	–	–	8	3	3	–	2
	Sudbury	2	–	–	–	2	2	–	–	–
December	Kitchener	2	–	–	–	2	1	1	–	–
	Hamilton	1	–	–	–	1	1	–	–	–
	Windsor	3	–	–	–	3	1	–	1	1
TOTAL		552	296	34	–	222	114	271	95	72

APPENDIX 'D-6'

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS RECEIVED
January 1, 1982 to December 31, 1982

CLASS	
Public Commercial Vehicles Act	
A	181
C	53
D	706
E	11
F	63
FF	5
FS	32
H	46
K	26
L	28
R	990
T	64
W	18
Y	52
	2275
Public Vehicles Act	
PV	186
PVS	164
	350
Motor Vehicle Transport Act (Canada	1092
Total No. of Applications	3717
Total No. of Leases	395
Public Vehicle Tariffs	140

APPENDIX 'E'

1982
REPORT ON CLASS 'R' HEARINGS

In accordance with Board Policy on Class 'R' matters, hearings were conducted throughout the province during the period March 1st, 1982 to April 13th, 1982. A list of hearing locations is attached as Appendix 'A'. The Board has considered all the information presented and concludes that with the addition of the limited number of licences granted to applicants heard during this period there is currently a supply of Class 'R' vehicles adequate to meet all reasonable demands for the coming year in all regions of Ontario. Factors that point to this conclusion are:

1. As of February 22nd, 1982, approximately 16% of the total number of vehicles authorized had not been licenced during the period April 1, 1982 to February 22, 1982. (10,822 vehicles authorized, 9,122 licensed.) While there is undoubtedly a wide variety of reasons why such a substantial number of vehicles remain unlicensed, we believe that the high percentage of dormant licences is in large measure due to lack of work at compensatory rates.

2. Shippers and receivers are getting service at highly competitive rates throughout the province, a strong indication of the availability of vehicles adequate to perform the volume of work which is available.

3. High interest rates have inhibited the construction industry, particularly the residential segment, thus reducing demand for dump vehicles.

4. The forest industry is not as buoyant as in previous years. Consequently many trucks that were previously employed hauling forest products are now available for Class 'R' work in much of Northern and North Western Ontario. Many of these trucks are already licensed to transport so called Class 'R' commodities.

5. With the exception of the Metropolitan Toronto area, there was much less support for additional trucks than in previous years. Given the mobility of truckers and the broad areas covered by Class 'R' licences together with the new licences granted, we believe any increased business in the Metro Toronto area will be more than offset by truckers from other areas seeking work, or by the activation of dormant licences.

6. Field investigations conducted for the Board by Proctor & Redfern Limited during the months of August, September and October 1981 indicated an adequate number of trucks at all construction sites surveyed.

The Board is satisfied that the current system of Class 'R' regulation has resulted in a viable work force of dump vehicles capable of serving Ontario in an efficient, reliable and responsible manner at reasonable rates and at the same time affording the individual one vehicle operator an opportunity to hold his **own** licence, operate his own vehicle, and earn a realistic rate of return. It is particularly gratifying that this has been accomplished in a manner largely acceptable to both shippers and truckers. Although shippers will probably always feel a need for more vehicles and the truckers for less, we believe there currently exists a reasonable balance which is reflected by briefs presented to the Board by shippers and truckers alike. The Board is particularly impressed with the co-operation that is extended to the Board by both shippers and truckers. We feel it appropriate to quote briefly from the following written submissions:

From the submission of the Aggregate Producers Association of Ontario:

"The Board is to be commended for continuing to search out statistical evidence with respect to regional supply and demand for dump trucks and attempting to anticipate demand for the coming construction season. We are convinced that a continued rational approach to Class 'R' licencing will be to the benefit of all

those involved in trucking, those using the services of 'R' vehicles, and the public of Ontario."

From the submission of the Greater Ottawa Truckers Association:

"G.O.T.A. wish to commend the O.H.T.B. – and yourself in particular – for its handling of Class 'R' licences. We have not always agreed with the decisions but the Board's view has a wider scope than ours".

From the submission of the Ontario Aggregate Carriers Association:

"Mr. Chairman, it is our intent to have a representative at as many of these Hearings as possible. We congratulate the Board on having these Hearings, and look forward to working with the Board in any way possible to stabilize the aggregate industry **more**, which will better serve public necessity and convenience".

It is apparent that the most suitable time to consider licence applications in a manner convenient to all parties, and at the same time to best ensure that there will be available an adequate supply of vehicles, is during March and April of each year. With the continued co-operation of shippers and truckers and the expansion of Board and Ministry statistical information we believe the majority of applications can and should be accumulated for hearing during this period. The problem, and we believe it will not likely be encountered in 1982, will be to anticipate and meet unexpected increases in demand during the busy season which normally runs May to December, with peak demand most often occurring in the Fall.

It is self evident that there can be nothing more frustrating or inequitable than to put an applicant to the expense of a hearing if, in the Board's view, statistics and trends indicate there is no need for more trucks. But it would be equally inequitable to leave shippers short of trucks if unforeseen factors increase demand.

As a result of the experiences of the past two or three years, when there have been temporary or permanent disruptions to, or reductions of, the service normally provided by certain large carriers, the Board is increasingly concerned about the wisdom of granting to any licensee authority to operate a large number of Class 'R' vehicles. So long as the operation continues smoothly, the aggregate producers are probably well served; but when, for whatever reason, that service is interrupted, serious consequences flow. Indeed, the aggregate producing industry can be seriously impacted by a carrier's financial problems or by labour disputes to which it is not a party.

There are two other matters which, though often mentioned in the past, continue to be troublesome, particularly with respect to applicants for Class 'R' licences. Firstly, not infrequently an applicant will purchase a vehicle, or commit himself to its purchase, before his application has been determined by the Board. It is, apparently, not understood (or if understood is ignored) that ownership of a suitable vehicle is of no assistance to him in establishing that "public necessity and convenience warrant the issue of the licence", and, in cases in which the application is denied, may result in the applicant having acquired a vehicle for which he has no work and in his having incurred a substantial long-term financial obligation.

Secondly, there appears to be, in many applicants, an abysmal lack of appreciation of the total cost of operation of a heavy motor vehicle or of the factors impacting upon the work which, if a licence is issued, it will perform. Nor, apparently is it understood that it does not encourage effective competition, nor is it in the public interest or in the private interest of the trucker, to authorize a service which does not return to the carrier his fixed and variable costs plus a reasonable profit.

The Board has identified the rate paid as one of the prime factors affecting supply and demand. It is obvious that if a shipper is paying less than a fair rate or less than other shippers he

will experience difficulty getting trucks. Conversely, if average rates in an area are unreasonably high, that indicates a shortage of trucks. Obviously the Board has to continue to seek rate information and to evaluate it against reliable information within its own knowledge. It is very important that the Ministry continue to publish suggested rates.

We believe the Class 'R' industry is, generally, in a healthy position. Even in these difficult times the future is bright; and all concerned, including the Board, should approach that future with a very positive attitude.

The proposals that we believe should be implemented are:

1. A mechanism should be devised by means of which the number of dormant licences may be reduced.

2. The majority of the Class 'R' applications should be heard during March and April of each year.

3. Applications received too late for publication for the March and April hearings, should be scheduled for hearing in the period August 15th to October 15th. It may be that at some time in the future it may be necessary to schedule hearings more frequently than twice a year; but at least at this time there is no indication of such a need.

4. We can foresee little need for the issue of temporary licences in the immediate future; but for situations when that need arises provision should be made as follows:

   (a) Seven-day telegram authority be issued to Class 'R' licence holders seeking short term extension and supported by shippers having urgent short term need, with provision for no more than one additional 7-day extension upon request.

   (b) Temporary applications for sanding and salting contracts continue to be determined in accordance with policy established between the Ministry and the Board.

   (c) Applications for interim authority must be supported by evidence that the need cannot be met by other licenced carriers, that it will continue, and that the rate agreed upon between shipper and trucker is reasonable; i.e., that it is not less than the equivalent recommended MTC rate.

5. The Board's statistical and general knowledge be augmented with Ministry information, input from industry and carriers, and field surveys.

6. The Public Commercial Vehicles Act and the Regulations published pursuant thereto should be effectively enforced. As there is currently more than an adequate number of licenced vehicles there should be no excuse for the illegal operations which in our view contribute to instability in the industry.

The Board takes this opportunity to thank everyone who participated in the Spring hearings and particularly the Ministry of Transportation and Communications whose forecast and statistical information is essential. We are also most appreciative of the very constructive and informative briefs presented by the Aggregate Producers Association of Ontario, the Greater Ottawa Truckers Association and the Ontario Aggregate Carriers Association.

Respectfully submitted

G.J. Norton, Vice-Chairman

J.M. Duncan, Member

E.J. Canning, Member